REMARKS

Claims 1, 3, 8, 10, 15, 17, 22, and 24 are pending in the application, of which Claims 1, 8, 15, and 22 are independent. Claims 15 and 22 are subject to an objection as to formalities. Claims 1, 3, 8, 10, 15, and 17 stand rejected under 35 U.S.C. § 112, first and second paragraphs. Claim 22 stands rejected under 35 U.S.C. § 102(e) based on U.S. Patent No. 5.940,868 to Wagner. Claims 1, 3, 8, 10, 15, 17, and 24 stand rejected under 35 U.S.C. § 103(a) based on Wagner in view of U.S. Patent No. 5,642,508 to Miyazawa. The rejections are traversed and further examination is requested.

Regarding Objections

Claim 15 has been amended to correct the irregular spacing noted by the Examiner.

As far as Claim 22, no use of the term "computer process" can be found. Further explanation or clarification is requested.

Regarding Rejections Under Section 112

The rejected claims recite that a donor process executes instructions in a memory space that is not owned by the donor process. Ownership of memory is an operating system tool. The specification makes clear that memory allocated to a donor process is used by a consumer process, which may operate with a larger memory space than can be allocated to individual processes by the operating system. The rejection is therefor traversed.

As described in the specification, at least on page 9, lines 25-27, the donor process donates its memory allocation to a consumer process by transferring ownership of memory to a driver. That driver can then maintain a mapping table for the allocated memory as noted on page 10, lines 1-2 of the specification. As such, the donor process does not "own" memory allocated to it by the operating system.

Reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 is respectfully requested.

Regarding Rejections under Section 102

Claim 22 has been rejected under 35 U.S.C. § 102(e) because Wagner is said to anticipate the claim. This rejection is traversed.

Claim 22 recites the invention in means-plus-function format. As such, Claim 22 is limited in scope by 35 U.S.C. § 112, paragraph 6 to the disclosed embodiment and equivalents. The Office has instead given the claim its broadest reasonable interpretation without reference to the disclosed structures in the specification. As such, the Office has not provided a prima facie rejection under 35 U.S.C. § 102(e).

Reconsideration is respectfully requested.

Regarding Rejections Under Section 103

Clams 1, 3, 8, 10, 15, 17, and 24 have been rejected under 35 U.S.C. § 103(a) based on Wagner in view of Miyazawa. The rejections are traversed.

As previously discussed, Wagner is directed to a system for allocating and accessing large memory for use by an application process. Virtual memory allocated to individual application processes created by the operating system is aggregated together to form a single working memory area. Access to the allocated virtual memory space is enabled through a locator means as though it was a single large working memory area. (*See* Fig. 1, application process 14, processor assembly 20, locator means 30, allocated memory 16, 26a-h.)

Wagner does not teach or suggest at least "pooling memory of the processes together for use by the consumer process" wherein "memory allocated to the donor process is not owned by the donor process" as claimed by the applicants in amended claim 1. In contrast, in the system discussed by Wagner, a separate processor assembly and locator means accessed by the application process is required to manage the large virtual memory for the application process.

In contrast, in the applicants' disclosed system, the consumer process receives access to all the memory that it has requested by pooling the allocated memory for the processes together including the memory allocated to the donor process that is not owned by the donor process.

Despite the deficiencies in the reliance on Wagner, the Office now combines Wagner with Miyazawa. Miyazawa is purportedly cited to address claim limitations stating that the memory allocated to a donor process is not owned by the donor process.

First, the Office asserts that any process that contains software routines is a "donor process." As discussed in the specification, a donor process is a process that, after using allocated memory by the operating system, donates at least a portion of that allocated memory for use by another process (a consumer process). Neither Wagner nor Miyazawa teach such a system.

In particular, Miyazawa discusses a system distributed control managing section (2). When a user initiates a new job (12), the system distributed control managing section (2) generates a new job control distributed managing section (3-1) and allocates it to the job (12). The system distributed control managing section (2) also allocates a number of processes to the job control distributed managing section (3-1). Miyazawa is silent as to ownership of memory.

The Office makes the assumption that the distributed control management section (2) has a memory allocation and then transfers ownership of that allocated memory. Such an interpretation of Miyazawa is believed to require reliance on hindsight based on the Applicants' disclosure.

One of ordinary skill in the art, after reading Miyazawa would understand that processes are allocated to a job control distributed managing section (3-1) and that each process is allocated memory by the operating system. Furthermore, Miyazawa does not suggest that one of those processes would function as a donor process to contribute to a pool of memory for use by a consumer process.

Reconsideration of the rejections under 37 U.S.C. § 103(a) is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By _____

Rodney D. Johnson
Registration No. 36,558
Telephone: (978) 341-0036
Facsimile: (978) 341-0136
Rod.Johnson@hbsr.com

Concord, MA 01742-9133
Dated: December 13, 2005